

House File 168 - Introduced

HOUSE FILE _____
BY JOCHUM

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to statutory fees allowed for a personal
2 representative or an attorney for the personal representative
3 for services rendered for an estate in probate.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1683HH 82
6 rh/gg/14

PAG LIN

1 1 Section 1. Section 633.197, Code 2007, is amended to read
1 2 as follows:
1 3 633.197 COMPENSATION.
1 4 1. Personal representatives shall be allowed such
1 5 reasonable fees as may be determined by the court for services
1 6 rendered, ~~but not in excess of the.~~ The following ~~commissions~~
1 7 ~~fees~~ upon the gross assets of the estate listed in the probate
1 8 inventory, ~~which~~ shall be received as full compensation for
1 9 all ordinary services:
1 10 a. For the first one thousand dollars, six percent~~+~~.
1 11 b. For the overplus between one and five thousand dollars,
1 12 four percent~~+~~.
1 13 c. For all sums over five thousand dollars, two percent.
1 14 2. In addition to the fees specified in subsection 1, the
1 15 court may, upon the consent of all interested persons or upon
1 16 notice and hearing, award such additional fees as the court
1 17 finds fair and reasonable under the circumstances.
1 18 3. For purposes of this section, the gross assets of the
1 19 estate shall not include life insurance proceeds, unless
1 20 payable to the decedent's estate.
1 21 Sec. 2. Section 633.198, Code 2007, is amended to read as
1 22 follows:
1 23 633.198 ATTORNEY FEE.
1 24 ~~There~~ Fees permitted for personal representatives pursuant
1 25 to section 633.197 shall also be allowed and taxed as part of
1 26 the costs of administration of estates as an attorney's fee
1 27 for the personal representative's attorney, ~~such reasonable~~
1 28 ~~fee.~~ Additional fees may be allowed and taxed as may be
1 29 ~~determined by the court finds fair and reasonable, for~~
1 30 services rendered, but not in excess of in addition to the
1 31 schedule of fees herein provided permitted for personal
1 32 representatives pursuant to section 633.197.
1 33 Sec. 3. Section 635.8, subsection 4, Code 2007, is amended
1 34 to read as follows:
1 35 4. The closing statement shall include a statement as to
2 1 the amount of fees paid for services rendered by the executor
2 2 or administrator and the executor's or administrator's
2 3 attorney in administration of the estate. The fees for the
2 4 executor or administrator and the executor's or
2 5 administrator's attorney shall ~~not be in excess of~~ the fees
2 6 permitted by section 633.197.
2 7 EXPLANATION
2 8 This bill relates to the maximum statutory fees allowed for
2 9 a personal representative (also known as an executor or
2 10 administrator) or an attorney for the personal representative
2 11 for services rendered for commissions upon the gross assets of
2 12 the estate listed in the probate inventory in a probate
2 13 proceeding.
2 14 Current law provides that the maximum fee allowed for the
2 15 personal representative as well as an attorney for the
2 16 personal representative shall not exceed certain percentages
2 17 of the gross assets of the estate listed in the probate
2 18 inventory. The bill provides that the court may, upon the
2 19 consent of all interested persons or upon notice and hearing,

2 20 award additional fees to both the personal representative and
2 21 the attorney for the personal representative as the court
2 22 finds fair and reasonable under the circumstances.
2 23 LSB 1683HH 82
2 24 rh:rj/gg/14